



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2615

campuses; free speech zone; prohibition

Purpose

Prohibits a university or community college from imposing restrictions on student free speech and from limiting an area on campus in which free speech may be exercised.

Background

Current law states that a university or community college shall not restrict a student's right to speak, including verbal speech, holding a sign or distributing fliers or other materials, in a public forum. A student's speech in a public forum may only be restricted by a community college or university if it demonstrates the application of the burden is in the least restrictive means of furthering a compelling governmental interest (A.R.S. § 15-1864).

The First Amendment to the United States Constitution states that Congress shall make no law abridging the freedom of speech, the press or peaceful assembly, and petitioning the government for a redress of grievances.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a university or community college from imposing time, place or manner restrictions on student free speech that occurs in a public forum, or is protected by the First Amendment to the United States Constitution.
2. Specifies that restrictions on student free speech may be imposed if restrictions:
 - a) are reasonable;
 - b) are justified without reference to the content of the regulated speech;
 - c) are narrowly tailored to serve a significant governmental interest; and
 - d) leave open ample alternative channels for communication of the information.
3. Prohibits a community college or university from limiting an area on campus in which free speech may be exercised.
4. Stipulates that the limitation of an area on campus in which free speech may be exercised is subject to reasonable time, place and manner restrictions.

5. Allows either the Attorney General or a student whose expressive rights were violated to initiate a court action to remedy the violation.
6. States that if any violation occurs, then the court shall award the aggrieved person the following:
 - a) injunctive relief for the violation;
 - b) reasonable court costs; and
 - c) reasonable attorney fees.
7. Requires a person to bring an action within one year of the occurrence of the violation.
8. Specifies that each day the violation persists constitutes a new violation and shall be considered a day that the cause of the action has accrued.
9. Modifies the definition of *public forum* to include traditional public forums, which consist of open outdoor areas, and designated public forums which consist of facilities, buildings or parts of buildings that the university or college has opened to student for expression.
10. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

1. Adds additional provisions and restrictions pertaining to student free speech on campuses.
2. Specifies guidelines to be followed when a violation of student free speech occurs and is brought before a court.

House Action

GHE 2/18/16 DP 6-2-0-1
3rd Read 3/2/16 47-11-2

Senate Action

FMFR 3/15/16 DP 7-0-0
3rd Read 4/11/16 21-8-1

Prepared by Senate Research
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FB/ZD/rf